

LITTLETON, JOYCE, UGHETTA, PARK & KELLY LLP
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
ERIKA SUQUILANDA,	:
	:
Plaintiff,	:
	:
- against -	:
	: 10-CV-05868 PKC
	:
COHEN & SLAMOWITZ, LLP, ENCORE CAPITAL	:
GROUP, INC., MRC RECEIVABLES CORPORATION and	:
MIDLAND CREDIT MANAGEMENT, INC.,	:
	:
Defendant(s).	:
-----X	

**COHEN & SLAMOWITZ, LLP'S NOTICE OF MOTION TO DISMISS
PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO
RULE 12(h)(3) and US CONSTITUTION ARTICLE III**

COMES NOW, COHEN & SLAMOWITZ, LLP by and through its counsel Littleton Joyce Ughetta Park & Kelly LLP, and pursuant to the Federal Rules of Civil Procedure Rule 12(h)(3) and United States Constitution Article III §2 moves to dismiss the Plaintiff's Amended Complaint based upon lack of subject matter jurisdiction. In support of this motion, COHEN & SLAMOWITZ, LLP is filing its Memoranda of Law in Support of this Motion, Declaration of Wendy B. Shepps, Esq. and exhibits annexed thereto. The Court has set the following schedule

requiring the service and filing of motion papers by January 20, 2012, opposition papers by February 10, 2012, reply papers by February 17, 2012.

PLEASE TAKE NOTICE that defendant COHEN & SLAMOWITZ, LLP intends to file and serve reply papers.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: New York, New York
January 20, 2012

Respectfully submitted,



WENDY B. SHEPPS (WS1207)
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CERTIFICATE OF SERVICE

I certify that on January 20, 2012, that the foregoing Motion to Dismiss Plaintiff's Amended Complaint and annexed exhibits were filed and uploaded to the CM/ECF system which will send a notice of electronic filing to the following:

WEISBERG & MEYERS, LLC
Attn: Dennis R. Kurz, Esq.
80 Broad Street, 5th Floor
New York, New York 10004

Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Attn: Thomas Leghorn, Esq.
150 East 42nd Street
New York, New York 10021

A handwritten signature in black ink, appearing to read 'Wendy B. Shepps', with a long horizontal flourish extending to the right.

WENDY B. SHEPPS (WS1207)